

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
NGM INSURANCE COMPANY,

Plaintiff,

-against-

BLAKELY PUMPING, INC. d/b/a ASSENTIAL PUMPING,
BRIAN J. BLAKELY, PETER J. SLINGERLAND, NANCY
SLINGERLAND and PROGRESSIVE CASUALTY
INSURANCE COMPANY,

Defendants.
-----X

Docket No.:
07-CV-6517

**EXHIBITS TO
MOTION**

EXHIBITS A-F

EXHIBIT “A”

COURTESY COPY

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BRIAN J. BLAKELY, PETER J. SLINGERLAND, NANCY
SLINGERLAND and PROGRESSIVE CASUALTY INSURANCE
COMPANY,

Defendants.
-----X

DATE: January 30, 2008
Poughkeepsie, New York

TIME: 10:28 A.M. - 11:20 A.M.

Theresa Seholm, Reporter

DEPOSITION
OF
BRIAN BLAKELY

APPEARANCES:

BRILL & ASSOCIATES, P.C.
Attorneys for Plaintiff
111 John Street, Suite 1070
New York, New York 10038

BY: HAYDN J. BRILL, ESQ.
E-mail: Hbrill@brillassociates.com

COOK, NETTER, CLOONAN, KURTZ & MURPHY, P.C.
Attorneys for Defendants:
Blakely Pumping, Inc. and Brian Blakely
85 Main Street
Kingston, New York 12402

BY: ROBERT E. NETTER, ESQ.

GOLDSTEIN & METZGER, LLP
Attorneys for Defendants:
Peter J. Slingerland and Nancy Slingerland
40 Garden Street
Poughkeepsie, New York 12601

BY: PAUL J. GOLDSTEIN, ESQ.

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by
and between the attorneys for the respective
parties hereto, that the sealing and filing
of the witness' deposition are hereby
waived.

It is further stipulated and agreed,
by and between the attorneys for the
respective parties hereto, that all
objections except as to form of the question
are reserved to the time of trial.

It is further stipulated and agreed,
by and between the attorneys for the
respective parties hereto, that they may
sign this deposition before any duly
qualified Notary Public.

* * * *

1
2 BRIAN BLAKELY,

3 a Defendant herein, having been first duly
4 sworn by a Notary Public of the State of New York
5 (Theresa Seholm), upon being examined, testified as
6 follows:

7
8 *****
9

10 EXAMINATION BY MR. BRILL:

11 Q Would you state your name for the record,
12 please.

13 A Brian Blakely.

14 Q Would you state your address for the record,
15 please.

16 A 133 Piney Point Road, Boiceville, New York
17 12412.

18 Q Mr. Blakely, my name is Haydn Brill. I
19 represent National Grange Mutual Insurance
20 Company in an action that's been started to
21 adjudicate rights under insurance policies
22 over an accident that involved
23 Mr. Slingerland.

24 I'm going to be asking you some
25 questions about the case and your business

1 BRIAN BLAKELY

2 and the accident, and if there's anything
3 that I ask you that you don't understand,
4 just please let me know and I'll be more
5 than happy to rephrase it so you do
6 understand. Okay?

7 A Okay.

8 Q Also, the person sitting to my left and to
9 your right is the court reporter. As you
10 know she'll be recording everything that I
11 ask you and everything that you respond at
12 today's proceedings, and she can only record
13 one of us at a time, so please wait for me
14 to finish my question even though you might
15 anticipate what I'm going to ask you, and
16 respond verbally, because she can't record
17 you if you nod your head or make a hand
18 gesture. Okay?

19 A Okay.

20 Q And you understand that even though there's
21 no judge or jury present today, that your
22 testimony is under oath?

23 A Yes.

24 Q Mr. Blakely, can you give me your date of
25 birth?

BRIAN BLAKELY

A February 12, 1984.

Q And can you give me the benefit of your educational background?

A High school diploma.

Q And what high school was that?

A Onteora.

Q Spell that, please.

A O-n-t-e-o-r-a.

Q And what year did you graduate high school?

A 2002.

Q And after graduating high school did you have any other continuing education, technical school courses, certificates, anything?

A No.

Q And after graduating high school, did you go into the job market?

A Yes.

Q What kind of work did you do after graduating high school?

A Odd jobs, like delivering wood, plowed snow.

Q Any other jobs besides snow removal and wood?

A Not really. I mean odd jobs.

BRIAN BLAKELY

Q And when you say wood, that's delivery of
firewood --- (interrupted).

A Firewood.

Q -- to residential homes?

A Correct.

Q And were any of those businesses
incorporated or formally organized?

A No.

Q Were these your own businesses or were you
working with somebody else?

A No, they were my own.

Q And did you have to file any trade
certificates in the county where you were
doing work in connection with any of these
businesses?

A No.

Q Did any of those businesses have any type of
insurance?

A No, they did not.

Q How long did you do these odd jobs for?

BY MR. NETTER:

Maybe he's still doing them.

BY THE WITNESS:

Yeah.

1 BRIAN BLAKELY

2 A Between two, three years.

3 BY MR. BRILL:

4 Q Okay, and did you just do business under
5 your own name or did you have a business
6 name attached to any of these enterprises?

7 A Under my own name.

8 Q And did there come a time that you
9 participated in the formation of a company
10 called Blakely Pumping, Inc.?

11 A Yes.

12 Q What is Blakely Pumping, Inc.?

13 A It's a septic pumping business.

14 Q And what geographic area does it serve?

15 A Primarily Ulster County.

16 Q And when was that company formed,
17 approximately, if you can recall?

18 A 2004.

19 BY MR. BRILL:

20 Can you mark that, please.

21

22 (Whereupon, the above-referred-to
23 Blakely Pumping Certificate of Incorporation
24 was marked as Plaintiff's Exhibit 1 for
25 Identification, as of this date, by the

BRIAN BLAKELY

reporter.)

Q Mr. Blakely, I'd like to show you what's been marked as Plaintiff's Exhibit 1, which is a five-page document and ask you at or about the time Blakely Pumping, Inc. was formed, did you arrange to have a Certificate of Incorporation filed with the Secretary of State to organize the corporation?

BY MR. NETTER:

Yes.

BY THE WITNESS:

A Yes.

BY MR. BRILL:

Q Okay. And I'd like you to take a look at Plaintiff's Exhibit 1 and ask you if that's a true and accurate copy of the Certificate of Incorporation filed in connection with the organization of Blakely Pumping, Inc., to the best of your knowledge of course?

A Yes.

Q And that document was prepared at or about the time that the Certificate of

1 BRIAN BLAKELY

2 Incorporation was filed with the Secretary
3 of State?

4 A Correct.

5 Q And that was approximately August of 2004?

6 A Yes.

7 Q Now, are you a shareholder in Blakely
8 Pumping?

9 A Yes.

10 Q And what percentage of the shares do you
11 own?

12 A Four.

13 Q Who owns the other shares?

14 A My brother.

15 Q That's Steven?

16 A Steven.

17 Q And he owns 96 percent?

18 A Correct.

19 Q Now, at some point after the corporation was
20 formed, did you and/or Steven arrange to
21 file a trade certificate with the county
22 indicating that Blakely Pumping was going to
23 do business under an assumed name? I'll get
24 to the document in a second and I'll have it
25 marked. I'm just asking as a general

1 BRIAN BLAKELY

2 matter.

3 A Yes.

4 BY MR. BRILL:

5 Mark that as Plaintiff's Exhibit 2,
6 please.

7
8 (Whereupon, the above-referred-to
9 Trade Certificate of Assumed Name was marked
10 as Plaintiff's Exhibit 2 for Identification,
11 as of this date, by the reporter.)
12

13 Q And was the trade name that Blakely Pumping,
14 Inc. utilized in connection with this
15 business Assential Pumping?

16 A Yes.

17 Q I'd like to show you what's been marked as
18 Plaintiff's Exhibit 2 and ask you if that's
19 a true and accurate copy, to the best of
20 your knowledge, of the Trade Certificate
21 filed for Blakely Pumping, Inc. doing
22 business under the trade name Assential
23 Pumping.

24 A Yes.

25 BY MR. BRILL:

1 BRIAN BLAKELY

2 And just for the record, let the
3 record reflect that P4 is a four-page
4 document consisting of the certificate and
5 the filing receipts.

6 BY MR. NETTER:

7 What's the date on that?

8 BY MR. BRILL:

9 Recorded on September 13, 2004. Would
10 you mark that, please.

11
12 (Whereupon, the above-referred-to
13 stock certificate was marked as Plaintiff's
14 Exhibit 3 for Identification, as of this
15 date, by the reporter.)

16
17 Q At some point after the formation of the
18 corporation, were you issued a stock
19 certificate for four shares in the
20 corporation?

21 A Yes.

22 Q And I'd like to show you what's been marked
23 as Plaintiff's Exhibit 3 and ask you if this
24 is a true and accurate copy, to the best of
25 your knowledge, of the stock certificate

1 BRIAN BLAKELY

2 issued to you in connection with your
3 ownership interest in Blakely Pumping, Inc.

4 A Yes.

5 Q And at the same time you were issued four
6 shares of stock in the corporation, was your
7 brother, Steven, issued a stock certificate
8 for 96 shares in the company?

9 A Yes.

10 Q And is Plaintiff's Exhibit 4 a true and
11 accurate copy, to the best of your
12 knowledge, of the stock certificate issued
13 to your brother, Steven, for 96 shares?

14 A Yes.

15 BY MR. BRILL:

16 Mark that, please.

17
18 (Whereupon, the above-referred-to
19 meeting minutes of Blakely Pumping were
20 marked as Plaintiff's Exhibit 5 for
21 Identification, as of this date, by the
22 reporter.)

23
24 Q In or about June of 2005, was there an
25 annual meeting of the corporation in which

1 BRIAN BLAKELY

2 you were appointed or elected as the vice
3 president of the corporation?

4 A Yes.

5 Q And I'd like to show you what's been marked
6 as Plaintiff's Exhibit 5 for Identification
7 and ask you if that's a true and accurate
8 copy of the minutes of the annual meeting in
9 which you were appointed as the vice
10 president of the corporation.

11 A Yes.

12 Q And at the same time was your brother,
13 Steven, appointed the president of the
14 corporation?

15 A Yes.

16 Q And did you and your brother, Steven, remain
17 in those offices until the time of your
18 accident with Mr. Slingerland?

19 BY MR. GOLDSTEIN:

20 What was that?

21 BY MR. BRILL:

22 Q Was there any change in the officers between
23 the time of this annual meeting and the time
24 of your accident with Mr. Slingerland?

25 A No.

1 BRIAN BLAKELY

2 Q Were there any additional shareholders added
3 to the corporation between the time the
4 corporation was formed and the time of your
5 accident with Mr. Slingerland? Do you
6 understand the question? Did anybody else
7 get stock in the corporation from the time
8 you formed it until the time of the
9 accident?

10
11 (Witness consulting with attorney.)
12

13 A No.

14 Q Did the corporation own any vehicles?
15

16 (Witness consulting with attorney.)
17

18 BY MR. NETTER:

19 Tell him what you know as far as ---
20 (interrupted).

21 BY THE WITNESS:

22 A That would be a question for my brother, as
23 far as I'm concerned. I have no knowledge
24 of when the truck was purchased.

25 BY MR. BRILL:

BRIAN BLAKELY

Q You're referring to the pump truck ---
(interrupted).

A Correct.

Q -- that was used in the company's business?

A Yes.

Q Was the pump truck purchased before the
corporation was incorporated?

A I can't remember that. I mean, my brother
would have better knowledge of that than me.
I don't...

Q Okay. Do you recall where the pump truck
was purchased from?

A Amthor Incorporated.

Q Spell that, please.

A A-m-t-h-o-r, Inc.

Q And where are they located?

A Walden, New York.

Q And was it purchased new?

A Yes.

Q Were you with your brother at the time the
truck was purchased?

A I was there when he picked it up.

BY MR. GOLDSTEIN:

This is the pump truck you're talking

BRIAN BLAKELY

about?

BY THE WITNESS:

Yes.

BY MR. BRILL:

Q And as a condition for driving it off the lot, did you have to have insurance for that truck?

A Yes.

Q And who had made the arrangements to get the insurance for that truck?

A My brother.

Q Do you know how he did that?

A I have no idea.

Q At the -- now, were you also the owner of a 2005 Dodge pickup truck?

A 2004, yes.

Q 2004 pickup truck. Excuse me. And you purchased that new?

A Yes.

Q Where did you purchase it from?

A DeMicco Motors.

Q D-i-m?

A C-c-o.

Q And where are they located?

1 BRIAN BLAKELY

2 A Eastchester Street, Kingston.

3 Q And at the time you purchased that 2004
4 pickup truck, did you own any other
5 vehicles?

6 A No.

7 Q As a condition for driving the vehicle off
8 the lot, did you have to obtain insurance
9 for that vehicle?

10 A Yes.

11 Q And how did you obtain insurance for that
12 vehicle?

13 A Through my insurance agent.

14 Q Which one did you use?

15 A Iapoce.

16 Q And spell that, please.

17 A I-a-p-o-c-e.

18 Q And where is Iapoce Insurance located?

19 BY MR. NETTER:

20 Main Street.

21 BY THE WITNESS:

22 A Main Street, Kingston.

23 BY MR. BRILL:

24 Q And had you used Iapoce Insurance for any of
25 your insurance needs prior to the purchase

1 BRIAN BLAKELY

2 of the 2004 Dodge pickup truck?

3 A Yes.

4 Q And was that for the vehicle that you were
5 using in connection with your wood business
6 and your snow business?

7 A Yes.

8 Q And is there a person -- what was the name
9 of the person that you used to deal with at
10 Iapoce Insurance?

11 A John I think it was.

12 Q John Iapoce. And beside the vehicle that
13 you used to use for your wood and your snow
14 removal business, were there any other
15 insurance policies that you obtained from
16 this agency?

17 A No.

18 Q Was a policy of insurance purchased from
19 Iapoce for the 2004 pickup truck that you
20 bought from DeMicco Motors?

21 A Yes.

22 Q Do you know what insurance company issued
23 that policy?

24 BY MR. GOLDSTEIN:

25 What was the pickup? Dodge Ram was

1 BRIAN BLAKELY

2 the pickup?

3 BY THE WITNESS:

4 Yes.

5 A It was actually Progressive.

6 BY MR. BRILL:

7 Q And at some point after the coverage was
8 bound by Mr. Iapoce, did you receive a copy
9 of the policy from Progressive?

10 A Yes.

11 Q And do you still have a copy of that policy?

12 A No.

13 Q Did somebody ask you to look for it recently
14 and you couldn't find it?

15 A I have -- I probably wouldn't have it.

16 Q Have you searched for it recently?

17 A No.

18 Q I'm going to put a statement on the record.
19 I'm going to ask your attorney to speak to
20 you after this deposition and conduct a
21 search for a copy of the policy that you
22 obtained from Progressive that was in effect
23 on November 3, 2005 at the time you had the
24 accident with Mr. Slingerland, and if you
25 locate a copy of that policy, to let your

1 BRIAN BLAKELY

2 attorneys know, so they can provide us with
3 a copy. Okay?

4 A Okay.

5
6 (PRODUCTION REQUEST)

7
8 Q You don't know sitting here today whether
9 Mr. Iapoce still has a copy of the
10 Progressive policy, correct?

11 A No, I would not.

12 Q As a result of either purchasing that
13 insurance or as a result of your accident
14 with Mr. Slingerland, were you aware or did
15 you become aware of what the liability
16 limits of that policy were?

17 A No.

18 Q In other words, are you aware of how much
19 coverage you had under that Progressive
20 policy for any accident that you might have
21 either caused or contributed to?

22 A Not until I had the accident.

23 Q And after the accident what did you find
24 out?

25 A It was minimal.

BRIAN BLAKELY

Q \$25,000?

A Correct.

Q Now, at the time of the accident, you were living at the same address that you gave the court reporter?

A Yes.

Q Who else lived in that house?

A My parents.

Q And did they own any vehicles?

A Yes.

Q And did they have insurance on those vehicles?

A Yes.

Q Do you know who provided that insurance?

A No.

Q Do you know where they obtained the insurance?

A No.

Q How many vehicles did they have in the household?

A Four.

Q And can you give me the years and models of the cars, approximate years if you don't know the exact years?

BRIAN BLAKELY

A Can I say something off the record?

Q Sure.

(Whereupon, there was a discussion
held off the record.)

A A '91 Honda Prelude.

Q A '91 Honda Prelude, okay.

A I believe a 2000 Chevy 3500 high cube van,
box van, a '57 Chevy, and I'm not sure on
the year, I want to say '94, Toyota Corolla.

Q And who were the primary drivers of each of
these vehicles?

A My father.

Q Did your father at any time, to your
knowledge, ever insure the 2004 Dodge pickup
under any insurance policies he may have
maintained for these vehicles?

A No.

Q And do you know who had the insurance
policies on these various vehicles that
you --- (interrupted).

A I don't know.

Q Now, at some point on November 3, 2005 you

1 BRIAN BLAKELY

2 were involved in a motor vehicle accident
3 with Peter Slingerland, correct?

4 A Yes.

5 Q And at some point after that accident
6 occurred, you and Blakely Pumping, Inc. were
7 sued by Mr. Slingerland for personal
8 injuries he allegedly sustained in that
9 accident, correct?

10 A Yes.

11 Q And on or about July 12, 2006 did you appear
12 for a deposition to give testimony in that
13 personal injury action?

14 A Yes.

15 Q And were you represented by an attorney?

16 A Yes.

17 BY MR. BRILL:

18 Could I have this marked as
19 Plaintiff's Exhibit 6.

20
21 (Whereupon, the above-referred-to copy
22 of deposition transcript of 7/12/06 was
23 marked as Plaintiff's Exhibit 6 for
24 Identification, as of this date, by the
25 reporter.)

BRIAN BLAKELY

Q And at some point after you appeared in Poughkeepsie to give testimony in that deposition, did you obtain from your lawyers a copy of the booklet that was prepared of your testimony?

A Yes.

Q And I'd like to show you what's been marked as Plaintiff's Exhibit 6 for Identification and ask you if that's a copy, a true and accurate copy, to the best of your knowledge of the testimony that you gave on July 12, 2006?

A Yes.

Q And is the testimony that was -- withdrawn. And after you received this transcript, were you given instructions by your attorney to read it and correct any mistakes?

A Yes.

Q And did you do so? Did you review it?

A Yes, I reviewed it.

Q Did you have to make any corrections?

A No.

Q And is the testimony that you gave in that

BRIAN BLAKELY

deposition truthful and accurate?

A Yes.

Q Other than the pump truck and the 2004 pickup truck, did you use any other vehicles in connection with the business of Blakely Pumping, Inc.?

A No.

Q At the time of your accident with Mr. Slingerland, did you have any other automobile policies with any other insurance company besides the personal automobile policy you had with Progressive Insurance or the commercial policy that you had with National Grange Mutual?

A No.

Q Do you know anyone by the name of Chandra Shock?

BY MR. GOLDSTEIN:

Who?

BY MR. BRILL:

Stott rather, Chandra, C-h-a-n-d-r-a Stott, S-t-o-t-t.

A No.

Q Were you involved in any way, shape, or form

1 BRIAN BLAKELY

2 with the procurement of insurance for
3 Blakely Pumping, Inc.?

4 A No.

5 Q That was something that your brother
6 handled?

7 A Yes.

8 Q At the time of your accident with
9 Mr. Slingerland you were using the 2004
10 pickup truck, correct?

11 A Correct.

12 Q Where were you coming from and where were
13 you going to?

14 A I was coming from Home Depot to pick up some
15 supplies, tools, and headed westbound to a
16 job on 28.

17 Q Is it accurate to say that when you
18 didn't -- that unless you needed to use the
19 pump truck for the business, you would use
20 the pickup truck in connection with the
21 business?

22 A Correct.

23 Q And you only used the pump truck when you
24 actually had to go and pump somebody?

25 A Exactly.

1 BRIAN BLAKELY

2 Q To keep the mileage of it and to keep the
3 wear and tear down?

4 A And the fuel.

5 Q And the fuel. At the time of the accident
6 were you returning from Home Depot or going
7 to Home Depot?

8 A Returning.

9 Q So, you had been there in the pump truck,
10 bought some supplies for the business, and
11 you were heading to a customer?

12 BY MR. NETTER:

13 Not in the pump truck. In the pickup
14 truck.

15 BY MR. BRILL:

16 In the pickup truck.

17 BY MR. GOLDSTEIN:

18 You said pump truck.

19 BY MR. BRILL:

20 Oh, I'm sorry.

21 Q At the time of the accident you had already
22 been to Home Depot in the pickup truck?

23 A Correct.

24 Q And you had bought some supplies for the
25 business and you were going to a customer's

1 BRIAN BLAKELY

2 house?

3 A Yes.

4 Q And do you remember the name of the
5 customer?

6 A No.

7 Q And that's when the accident occurred?

8 A Correct.

9 Q And that was your usual route -- withdrawn.

10 BY MR. BRILL:

11 Okay.

12 BY MR. GOLDSTEIN:

13 Off the record.

14
15 (Whereupon, there was a discussion
16 held off the record.)

17
18 BY MR. BRILL:

19 Q Do you still have the registration for the
20 pickup truck for 2005, the registration?

21 A For which vehicle, the pickup?

22 Q For the pickup truck that would have been
23 issued in 2005.

24 A No.

25 Q The registration was in your name

1 BRIAN BLAKELY

2 personally?

3 A Yes.

4 Q You purchased it in your name personally?

5 A My father co-signed.

6 Q But it was purchased by you?

7 A Yes.

8 Q And he guaranteed the loan?

9 A Yes.

10 Q In addition to using the pickup truck in
11 your business from time to time, you also
12 used it for your personal use?

13 A Correct.

14 Q Did you have any other vehicles -- did you
15 own any other vehicles in 2005?

16 A No.

17 Q Did there come a time when you were advised
18 that Progressive had resolved all or a part
19 of Mr. Slingerland's personal injury claim?

20 A Would you repeat that?

21 Q Sure. Did there come a time that you
22 learned that Progressive Insurance Company
23 on your behalf resolved Mr. Slingerland's
24 bodily injury, personal injury, claim in
25 whole or in part for the sum of \$25,000?

1 BRIAN BLAKELY

2 A Yes.

3 Q Do you remember when that was,
4 approximately?

5 A Four months ago.

6 BY MR. BRILL:

7 Thank you. I have no further
8 questions.

9 BY MR. GOLDSTEIN:

10 No questions. Off the record.

11
12 (Whereupon, there was a discussion
13 held off the record.)

14
15 BY MR. GOLDSTEIN:

16 I do have some questions.

17 EXAMINATION BY MR. GOLDSTEIN:

18 Q Do you know the agent, the name of the agent
19 who you used to get the insurance for the
20 corporation for National Grange?

21 A I believe it was Naccarato Insurance.
22 That's all I know.

23 BY MR. BRILL:

24 Spell it, please.

25 BY THE WITNESS:

1 BRIAN BLAKELY

2 N-a-c-c-a-r-a-t-o.

3 BY MR. GOLDSTEIN:

4 Q Did you have any meetings with Naccarato
5 Insurance?

6 A No.

7 Q After the accident did you notify Naccarato
8 Insurance or National Grange about the
9 accident?

10 A I did not, but I spoke to my lawyer and he
11 said he would take care of it.

12 Q And what lawyer is that?

13 A Al Mainetti.

14 Q Was it your understanding he either called
15 them or sent them a letter or did something
16 else? What did you understand that he did?

17 A That he would take care of it.

18 Q Did he send you a copy of any letter that he
19 sent to the insurance company?

20 A It's so long ago, I don't recall.

21 Q All right. Do you have any letters from him
22 in which he -- do you have any letters from
23 him?

24 A From Al? In regards to?

25 Q This accident.

1 BRIAN BLAKELY

2 A Yes.

3 Q Could I ask you to look through those
4 letters and see if you have a copy of the
5 letter that he sent to the insurance
6 company, either Naccarato Insurance or
7 National Grange?

8 A Yes.

9 Q And produce a copy, please?

10 A Yes.

11
12 (PRODUCTION REQUEST)

13
14 BY MR. GOLDSTEIN:

15 That's it.

16 EXAMINATION BY MR. BRILL:

17 Q Where is Naccarato Insurance located?

18 A Saugerties.

19 Q And what's the name of the person that you
20 dealt with at Naccarato Insurance?

21 A I didn't deal with it.

22 Q Or your brother dealt with?

23 A I don't know who he dealt with.

24 Q Did you or your brother or anybody else in
25 your family get any other type of insurance

1 BRIAN BLAKELY

2 from Naccarato Insurance?

3 A Not that I know of, no.

4 Q And the insurance that you're referring to
5 is the commercial business policy that
6 Blakely Pumping obtained from National
7 Grange?

8 A Correct.

9 Q Did you ever hear of a company by the name
10 of The Deforest Agency?

11 A Yes.

12 Q Who are they?

13 A I believe they are a part of the National
14 Grange.

15 Q And how do you know The Deforest Agency?

16 A Through the business, through insurance
17 cards for the pump truck, and letters
18 involving the accident.

19 BY MR. BRILL:

20 Okay. Thank you.

21 EXAMINATION BY MR. GOLDSTEIN:

22 Q Did you ever have to furnish your insurance
23 policy for your Dodge truck to anyone, any
24 insurance company?

25 A In regards to the accident?

BRIAN BLAKELY

Q Well, before the accident. To Naccarato before you got the insurance for the company.

A No.

BY MR. GOLDSTEIN:

Thanks.

BY MR. BRILL:

That's it.

(Whereupon, there was a discussion held off the record.)

BY MR. BRILL:

I have some more questions.

EXAMINATION BY MR. BRILL:

Q Do you know whether or not -- withdrawn. Do you know why Steven started using the Naccarato Insurance Agency for his insurance needs?

A I do not know.

BY MR. BRILL:

Thank you.

BY MR. GOLDSTEIN:

Off the record.

1 BRIAN BLAKELY

2
3 (Whereupon, there was a discussion
4 held off the record.)

5
6 BY MR. BRILL:

7 I have a few more.

8 Q Did you ever tell anybody at The Deforest
9 Agency or Naccarato Insurance that you were
10 using a personal automobile for the business
11 of Blakely Pumping?

12 A I had no dealings with the insurance
13 company.

14 Q Do you know of anybody who did? Do you know
15 if anybody ever told someone at either of
16 these agencies that you had been using a
17 personal auto for the business of Blakely
18 Pumping?

19 A No.

20 BY MR. BRILL:

21 Thank you.

22 EXAMINATION BY MR. GOLDSTEIN.

23 Q Do you know why your brother got the
24 non-owned automobile endorsement? Do you
25 know why?

BRIAN BLAKELY

A No.

Q Did he ever discuss it with you?

A I have no idea.

Q Did he ever discuss what insurances he
needed to get or by from Naccarato?

A No.

Q So, he was in charge of purchasing the
insurance and dealing with them?

A Correct.

BY MR. GOLDSTEIN:

Thank you.

BY MR. BRILL:

Thank you.

(Whereupon, the deposition of
BRIAN BLAKELY was concluded at 11:20 a.m.)

X_____
BRIAN BLAKELY

Subscribed and sworn to before me

this_____ day of_____ 2008.

X_____
NOTARY PUBLIC

I N D E X

WITNESS	PAGE
BRIAN BLAKELY	4

EXAMINATION BY	PAGE
MR. BRILL	4, 33, 35
MR. GOLDSTEIN	31, 34, 36

PLAINTIFF'S EXHIBITS FOR IDENTIFICATION	DESCRIPTION	PAGE
1	Blakely Pumping Certificate of Incorporation	8
2	Trade Certificate of Assumed Name	11
3	Stock certificate	12
4	Meeting minutes of Blakely Pumping	13
5	Copy of deposition transcript of 7/12/06	24

INFORMATION/DOCUMENT REQUESTS	PAGE
Production of a copy of the policy with Progressive that was in effect on November 3, 2005	21
Production of a copy of any letter sent to either Naccarato Insurance or National Grange from the witness' attorney	33

C E R T I F I C A T E

STATE OF NEW YORK)
)SS:
COUNTY OF DUTCHESS)

I, THERESA SEHOLM, a Court Reporter and
Notary Public within and for the State of New York, do
hereby certify:

That BRIAN BLAKELY,
the witness whose deposition is hereinbefore set
forth, was duly sworn by me and that such deposition
is a true record of the testimony given by the
witness.

I further certify that I am not related to
any of the parties to this action by blood or marriage
and I am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 4th day of February, 2008.


Theresa Seholm

LAWYER'S NOTES

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EXHIBIT “B”

COPY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

PETER J. SLINGERLAND and
NANCY SLINGERLAND,

Plaintiffs,

- against -

BRIAN J. BLAKELY,

Defendant.

SUMMONS

Index No: 4124/2005

To the above named Defendant:

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiffs' attorney an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is Plaintiffs' Residence. Plaintiffs reside in Kingston County of Ulster, State of New York.

Dated: November 23, 2005
Poughkeepsie, New York

Yours, etc.

GOLDSTEIN & METZGER, LLP
Attorneys for Plaintiffs

By: 

Paul J. Goldstein, Esq.
40 Garden Street
Poughkeepsie, NY 12601
(845) 473-7000

TO: BRIAN J. BLAKELY
133 Piney Point Road
Boiceville, NY 12412

FILED

H M

DEC 07 2005

NINA POSTUPACK
ULSTER COUNTY CLERK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

COPY

PETER J. SLINGERLAND and NANCY SLINGERLAND,

Plaintiffs,

VERIFIED COMPLAINT

-against-

Index No: 05-412

BRIAN J. BLAKELY,

Defendant.

Plaintiffs, by their attorneys, GOLDSTEIN & METZGER, LLP, complaining of the defendant, allege as follows:

1. At all times herein mentioned, plaintiffs were husband and wife and resided in the County of Ulster, State of New York.
2. Upon information and belief, at all times herein mentioned, defendant, Brian J. Blakely, resided in the County of Ulster, State of New York.
3. At all times herein mentioned, plaintiff, Peter J. Slingerland, was the owner and operator of a motor vehicle bearing New York registration number ADR7398 for the year 2005.
4. Upon information and belief, at all times herein mentioned, defendant, Brian J. Blakely, was the owner and operator of a motor vehicle bearing New York registration number 26788JB for the year 2005.
5. At all times herein mentioned, State Route 28, at its intersection with Forest Hill Drive, in the Town of Ulster, County of Ulster, State of New York, was a public roadway.
6. On or about November 3, 2005, at approximately 7:30 A.M., an accident occurred on said public roadway.

FILED
—H—M

DEC 01 2005

NINA POSTUPACK
ULSTER COUNTY CLERK

7. That said accident and all of plaintiff's injuries resulting therefrom were caused and brought about solely through the negligence of the defendant.
8. That by reason of the foregoing, plaintiff, Peter J. Slingerland, sustained a serious injury as defined in subsection (d) of Section 5102 of the Insurance Law economic loss greater than basic economic loss as defined in subsection (a) of Section 5102 of the Insurance Law, all to all to his damage in an amount exceeding the monetary jurisdiction of all lesser courts in the State of New York

AS AND FOR A SECOND CAUSE OF ACTION

9. Plaintiffs repeat, reiterate and reallege, with the same force and effect as though fully set forth herein, each and every allegation previously contained in this complaint.
10. That by reason of the foregoing accident, plaintiff, Nancy Slingerland, has lost the aid, comfort, society, consortium, services and care of her spouse, plaintiff, Peter J. Slingerland, all to her damage in an amount exceeding the monetary jurisdiction of all lesser courts in the State of New York.

WHEREFORE, plaintiffs demand judgment against the defendant as follows:

- (a) In an amount commensurate with the injuries sustained by plaintiff, Peter J. Slingerland, on the First Cause of Action;
- (b) In an amount commensurate with the loss of services sustained by plaintiff, Nancy Slingerland, on the Second Cause of Action;

together with the costs, disbursements and attorneys' fees of this action and such other and further relief which as to this Court may seem just and proper.

Dated: November 23, 2005
Poughkeepsie, New York

Re: Slingerland v. Blakely

Yours, etc.

GOLDSTEIN & METZGER, LLP
Attorneys for Plaintiffs

By:


Paul J. Goldstein, Esq.
40 Garden Street
Poughkeepsie, NY 12601
(845) 473-7000

RE: Slingerland v. Blakely

STATE OF NEW YORK, COUNTY OF DUTCHESS:

I, the undersigned, am an attorney admitted to practice in the courts of New York, and that I am the attorney of record, or of counsel with the attorney of record for plaintiffs. I have read the annexed Summons & Verified Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Facts and information contained in plaintiffs' file.

The reason I make this affirmation instead of plaintiffs is because plaintiffs presently reside out of the county where your affirmant maintains his office.

I affirm the foregoing statements are true under penalties of perjury.

Dated: November 23, 2005


PAUL J. GOLDSTEIN, ESQ.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

PETER J. SLINGERLAND and
NANCY SLINGERLAND,

Plaintiffs,

- against -

BRIAN J. BLAKELY and BLAKELY PUMPING, INC.
d/b/a ASSENTIAL PUMPING,

Defendants.

FILED COPY
H M
FEB 13 2006
NINA POSTUPACK
ULSTER COUNTY CLERK
AMENDED SUMMONS

Index No: 4124/2005

RECEIVED

FEB 17 2006

GOLDSTEIN & METZGER, LLP

To the above named Defendants:

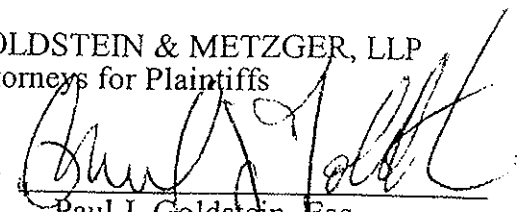
YOU ARE HEREBY SUMMONED and required to serve upon Plaintiffs' attorney an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is Plaintiffs' Residence. Plaintiffs reside in Kingston, County of Ulster, State of New York.

Dated: February 9, 2006
Poughkeepsie, New York

Yours, etc.

GOLDSTEIN & METZGER, LLP
Attorneys for Plaintiffs

By: 
Paul J. Goldstein, Esq.
40 Garden Street
Poughkeepsie, NY 12601
(845) 473-7000

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

-----X
PETER J. SLINGERLAND and NANCY SLINGERLAND,

Plaintiffs,

-against-

AMENDED
VERIFIED COMPLAINT

Index No: 4124/2005

BRIAN J. BLAKELY and BLAKELY PUMPING, INC.
d/b/a ASSENTIAL PUMPING,

Defendants.
-----X

Plaintiffs, by their attorneys, GOLDSTEIN & METZGER, LLP, complaining of the
defendants, allege as follows:

THE PARTIES

1. At all times herein mentioned, plaintiffs were husband and wife and resided in the County of Ulster, State of New York.
2. At all times herein mentioned, plaintiff, Peter J. Slingerland, was the owner and operator of a motor vehicle bearing New York registration number ADR7398 for the year 2005.
3. Upon information and belief, at all times herein mentioned, defendant, Brian J. Blakely, resided in the County of Ulster, State of New York.
4. Upon information and belief, at all times herein mentioned, defendant, Blakely Pumping, Inc., was a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York, doing business in the County of Ulster, State of New York.
5. Upon information and belief, at all times herein mentioned, defendant, Blakely Pumping, Inc., conducted business under the assumed name of Assential Pumping, a Certificate of Assumed Name being filed under the General Business

- Law on or about September 13, 2004, in the Ulster County Clerk's Office.
6. Upon information and belief, at all times herein mentioned, defendant, Brian J. Blakely, was the owner and operator of a motor vehicle bearing New York registration number 26788JB for the year 2005.
 7. Upon information and belief, at all times herein mentioned, defendant, Brian J. Blakely, was an employee of defendant, Blakely Pumping, Inc. d/b/a Assential Pumping.
 8. Upon information and belief, at all times herein mentioned, at the time of the accident, defendant, Brian J. Blakely, was acting in the course/scope of his employment with defendant, Blakely Pumping, Inc. d/b/a Assential Pumping.
 9. At all times herein mentioned, State Route 28, at its intersection with Forest Hill Drive, in the Town of Ulster, County of Ulster, State of New York, was a public roadway.
 10. On or about November 3, 2005, at approximately 7:30 A.M., an accident occurred on said public roadway.
 11. That said accident and all of plaintiff's injuries resulting therefrom were caused and brought about solely through the negligence of the defendants.
 12. Limitations on liability set forth in Article 16 of the Civil Practice Law and Rules do not apply to the instant action in that this action comes under one of the exemptions set forth in Section 1602 of the CPLR.
 13. That by reason of the foregoing, plaintiff, Peter J. Slingerland, sustained a serious injury as defined in subsection (d) of Section 5102 of the Insurance Law or economic loss greater than basic economic loss as defined in subsection (a) of Section 5102 of the Insurance Law, all to all to his damage in an amount

exceeding the monetary jurisdiction of all lesser courts in the State of New York

AS AND FOR A SECOND CAUSE OF ACTION

14. Plaintiffs repeat, reiterate and reallege, with the same force and effect as though fully set forth herein, each and every allegation previously contained in this complaint.
15. That by reason of the foregoing accident, plaintiff, Nancy Slingerland, has lost the aid, comfort, society, consortium, services and care of her spouse, plaintiff, Peter J. Slingerland, all to her damage in an amount exceeding the monetary jurisdiction of all lesser courts in the State of New York.

WHEREFORE, plaintiffs demand judgment against the defendant as follows:

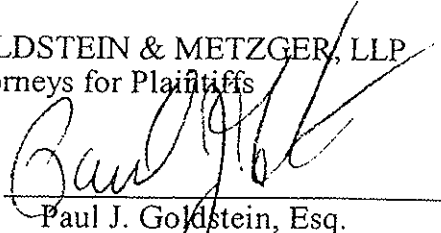
- (a) In an amount commensurate with the injuries sustained by plaintiff, Peter J. Slingerland, on the First Cause of Action;
- (b) In an amount commensurate with the loss of services sustained by plaintiff, Nancy Slingerland, on the Second Cause of Action;

together with the costs, disbursements and attorneys' fees of this action and such other and further relief which as to this Court may seem just and proper.

Dated: February 9, 2006
Poughkeepsie, New York

Yours, etc.

GOLDSTEIN & METZGER, LLP
Attorneys for Plaintiffs

By: 
Paul J. Goldstein, Esq.
40 Garden Street
Poughkeepsie, NY 12601
(845) 473-7000

RE: Slingerland v. Blakely, et al
Index No. 4124/2005

STATE OF NEW YORK, COUNTY OF DUTCHESS:

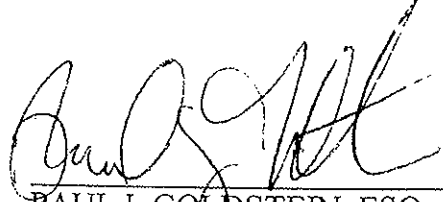
I, the undersigned, am an attorney admitted to practice in the courts of New York, and s that I am the attorney of record, or of counsel with the attorney of record for plaintiffs. I have read the annexed Amended Summons & Amended Verified Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belie as to those matters therein not stated upon knowledge, is based upon the following:

Facts and information contained in plaintiffs' file.

The reason I make this affirmation instead of plaintiffs is because plaintiffs presently reside out of the county where your affirmant maintains his office.

I affirm the foregoing statements are true under penalties of perjury.

Dated: February 9, 2006



PAUL J. GOLDSTEIN, ESQ.

EXHIBIT “C”

MINUTES OF FIRST MEETING

OF

BOARD OF DIRECTORS

OF

BLAKELY PUMPING, INC.



The first meeting of the Board of Directors of
Blakely Pumping, Inc.

was held on the 17 day of June , 2004 , at 2:00
o'clock in the after noon at 101 Green Street,
Kingston, New York

The following were present:

Steven D. Blakely and Brian Blakely

being all of the Directors of the Corporation

Upon motion duly made, seconded and unanimously carried,
STEVEN D. BLAKELY was elected temporary Chairman, and acted as such until
relieved by the President, and, STEVEN D. BLAKELY was elected temporary
Secretary, and acted as such until relieved by the permanent Secretary

A written waiver of notice of this meeting, signed by all of
the Directors, was then prepared and read by the Secretary.

A written waiver of notice of this meeting, signed by all of
the Directors, was then presented and read by the Secretary.

A written waiver of notice of this meeting, signed by all of
the Directors, was then presented and read by the Secretary and was ordered
appended to these Minutes.

The meeting then proceeded to the election of officers. The following persons were duly nominated; and on motion duly made, seconded and unanimously carried, the following were elected as officers of the Corporation to serve until the next annual meeting or until their respective successors are elected and qualified:

For President: STEVEN D. BLAKELY
For Vice President: BRIAN J. BLAKELY
For Secretary: STEVEN D. BLAKELY
For Treasurer: STEVEN D. BLAKELY

The President and Secretary thereupon assumed their respective offices in place instead of the Temporary Chairman and the Temporary Secretary.

On motion duly made, seconded and unanimously carried, it was

RESOLVED, that the certificate for shares in this Corporation be in the form of the specimen certificate submitted to this meeting and affixed by order of this Board to the minutes of this meeting.

SPECIMEN STOCK CERTIFICATE

INCORPORATED UNDER THE LAWS OF

STANLEY

THE STATE OF NEW YORK

BLAKELY PUMPING, INC.

**TOTAL AUTHORIZED ISSUE
200 COMMON SHARES AT NO PAR VALUE**

SPRING GIVEN

THE SILENT SUE

registered holder of
of the above named Companies, fully paid and non-assessable
transferable only on the back of the Certificate on the proper stamp in
presence of the Attorney, upon surrender of this Certificate properly endorsed

An Address Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporation Seal to be hereunto affixed

[Handwritten signature]

Jeffrey
President

© BLACKSTONE STATISTICIANS, INC. • VI

On motion duly made, seconded and unanimously carried, it was

RESOLVED, that the Corporation proceed to carry on the business for which it was incorporated.

On motion duly made, seconded and unanimously carried, it was

RESOLVED, that this Corporation open an account with CHARTER ONE located at WALL STREET, KINGSTON branch office, which is hereby designated as the depository of the funds of this Corporation; that the usual and customary printed form of the corporate resolution prepared and currently being used by said depository be and the same hereby is adopted as the resolution of this Board as though set forth at length, as such form shall be prepared as to provide for the making and endorsing of all checks and other commercial papers of, and the making of, any loans by, and the transaction of all business for this Corporation with said depository, by the following of the officers of the Corporation:

STEVEN D. BLAKEN
BRIAN J. BLAKELY

and the Secretary is authorized to certify a copy of such printed resolutions as having been adopted by this board in accordance with this resolution and he is hereby directed to affix a copy thereof to these minutes.

The secretary then presented to the meeting a written proposal from

to this Corporation.

N/A

Upon motion duly made and carried, the said proposal was ordered filed with the Secretary, and he was requested to spread the same at length upon the minutes, said proposal being as follows:

N/A

The proposal was taken up for consideration and the following resolution was on motion unanimously adopted:

N/A

WHEREAS, a written proposal had been made to this Corporation by

in the form as set forth above in these minutes, and

WHEREAS, in the judgment of this Board of Directors, the assets proposed to be transferred to the Corporation are reasonably worth the amount of the consideration demanded therefor, and that it is in the best interests of this Corporation to accept the said offer as set forth in said proposal, now, therefor, it is

RESOLVED, that said offer, as set forth in said proposal, be and the same hereby is approved and accepted, and that in accordance with the terms thereof, this Corporation, shall as full payment for said property issue and deliver to said offeror(s) or nominee(s) shares of this Corporation, and it is further

RESOLVED, that upon the delivery to this Corporation of said assets and the execution and delivery of such proper instruments as may be necessary to transfer and convey the same to this Corporation, the officers of this Corporation are authorized and directed to issue and deliver the shares of this Corporation required to be issued and delivered on acceptance of said offer, in accordance with the foregoing resolution.

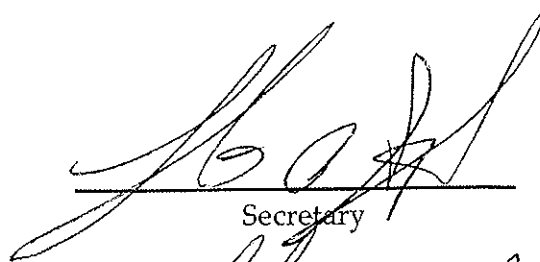
On motion duly made, seconded and unanimously carried, it was

RESOLVED, that the By-Laws adopted at the Incorporator's Organization Meeting and made a part of the minutes of said meeting, be and they hereby are adopted as the By-Laws of this Corporation, and it was further

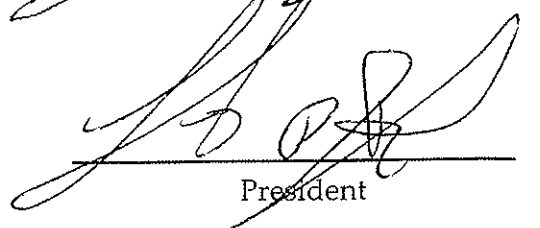
RESOLVED, that all of the other acts taken and decisions made at the Incorporator's Organization Meeting be and they hereby are ratified and adopted by this Board of Directors.

There being no further business before the meeting, the same was, on motion, duly adjourned.

Dated the SEVENTEENTH day of JUNE 2004.



Secretary

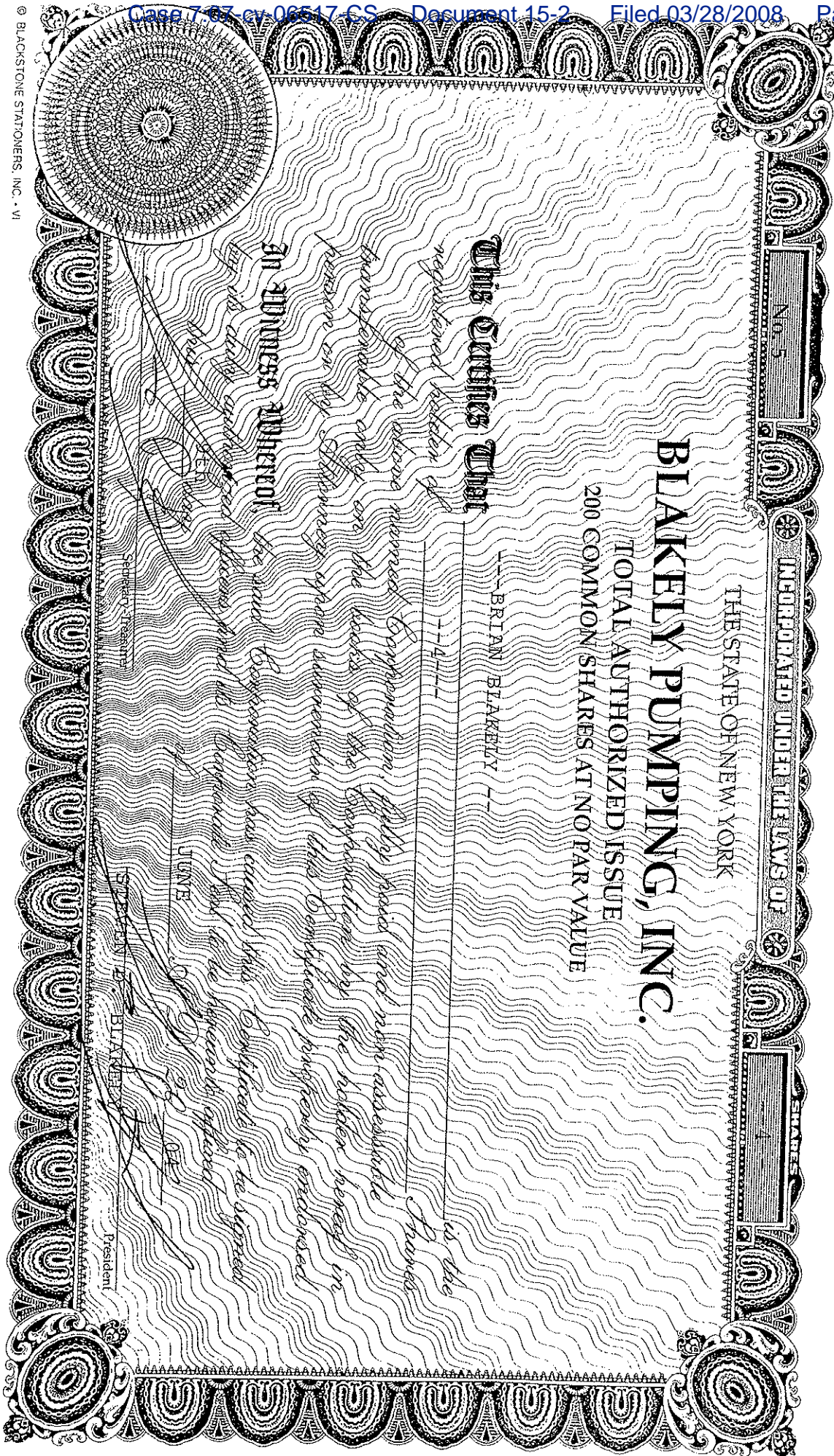


President

EXHIBIT “D”

PLAINTIFF'S
EXHIBIT
3
1/30/08 TS

COPY



No. 5

INCORPORATED UNDER THE LAWS OF

SHARES

THE STATE OF NEW YORK

BLAKELY PUMPING, INC.

TOTAL AUTHORIZED ISSUE
200 COMMON SHARES AT NO PAR VALUE

This certifies that

BRIAN BLAKELY

is the

registered holder of

Shares

of the above named Corporation fully paid and non-assessable transferable only on the books of the Corporation by the holder hereof in person or by attorney upon surrender of this Certificate properly endorsed in accordance with the provisions of the Corporation's Charter and the laws of the State of New York.

An attestation thereof

JUNE

2008

SECRETARY

SEAN B. BLAKELY

President

PLAINTIFF'S
EXHIBIT
4
1/30/08

COPY

INCORPORATED UNDER THE LAWS OF

THE STATE OF NEW YORK

BLAKELY PUMPING, INC.

TOTAL AUTHORIZED ISSUE
200 COMMON SHARES AT NO PAR VALUE

This certifies that

STEVEN D. BLAKELY

registered holder of

96

is the

of the above named Corporation, fully paid and now available
transferable only on the books of the Corporation by the holder hereof in
person or by attorney whose authority is this certificate properly enclosed
in address subject to the Corporation has agreed that this Certificate is to agree
by it and its successors and assigns to the same and to be bound by the same

an address subject to the Corporation has agreed that this Certificate is to agree
by it and its successors and assigns to the same and to be bound by the same

STEVEN D. BLAKELY
President

EXHIBIT “E”

SERVICO - 35

040609000 728

CERTIFICATE OF INCORPORATION

OF

BLAKELY PUMPING, INC.

FILED
2 H 17 M

AUG 23 2004

Under Section 402 of the Business Corporation Law

ALBERT SPADA
ULSTER COUNTY CLERK

The undersigned, a natural person of the age of eighteen years or over, desiring to form a corporation pursuant to the provisions of the Business Corporation Law of the State of New York, hereby certifies as follows

04-1671

FIRST The name of the corporation is

BLAKELY PUMPING, INC.

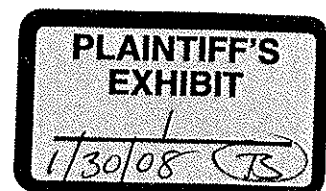
SECOND The purpose for which it is formed is as follows

To engage in any lawful act or activity for which corporations may be formed under the Business Corporation Law provided that the corporation is not formed to engage in any act or activity which requires the consent or approval of any state official, department, board agency or other body, without such approval or consent first being obtained

For the accomplishment of the aforesaid purposes, and in furtherance thereof, the corporation shall have and may exercise all of the powers conferred by the Business Corporation Law upon corporations formed thereunder, subject to any limitations contained in Article 2 of said law or in accordance with the provisions of any other statute of the State of New York

THIRD The office of the corporation in the State of New York is to be located in the County of Ulster

FOURTH The aggregate number of shares which the corporation shall have the authority to issue is 200 shares at no par value



SERVICO - 35

(040609000 728

CERTIFICATE OF INCORPORATION
OF

BLAKELY PUMPING, INC.

Man 10

FILER

Service Inc

P O Box 871

Albany, New York 12201

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED JUN 09 2004

TAX \$ 1.0

BY: Man

4151212

DRAWDOWN

Acct # 13069

CUSTOMER REFERENCE NUMBER: 3977

3

758

EXHIBIT “F”

SERVICO-35

CERTIFICATE OF ASSUMED NAME

Pursuant to Section 130 of the General Business Law

1) The name of the entity is **BLAKELY PUMPING, INC.**

2) Business is formed under Business Corporation Law

3) Assumed Name ASSENTIAL PUMPING

4) Principal place of business in New York State

11 Mary Lou Lane
Shokan, NY 12481
County Ulster

____ (If none, check and insert out of state address above)

5) Counties in which business will be conducted under the assumed name
(All Counties)
 Ulster

6) Addresses and County of each business location within New York State
(or No New York State Business Location)

11 Mary Lou Lane
Shokan, NY 12481
Ulster

s/Steven D Blakely
BY Steven D Blakely, President

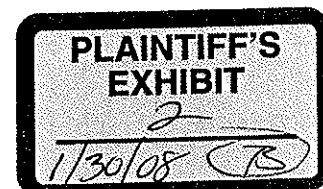
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11/14/04 M

SEP 13 2004

ALBERT SPADA
ULSTER COUNTY CLERK

C349323

04-1810



SERVICO-35

C349323

CERTIFICATE OF ASSUMED NAME

OF

CORPORATE NAME: **BLAKELY PUMPING, INC.**
ASSUMED NAME: **ASSENTIAL PUMPING**

Pursuant to Section 130 of the General Business Law

Acct 10369

CUSTOMER REFERENCE NUMBER: 4282

125717

FILER
Merck CPA's & Consultants
101 Green Street
Kingston, NY 12401

040609000728
m1

State of New York - Department of State

File Date JUN 25 2004

Amt of Ch/Charge \$ 60 Auth # _____

Filing Fee \$ 25 Cnty Fee \$ 25

(#) 1 Copy Fee \$ 10 Refund \$ _____

Spec Handle C \$ _____ Spec Handle F \$ _____

By m1

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